

Congress of the United States
Washington, DC 20515

February 12, 2021

The Honorable Antony Blinken
Secretary of State
U.S. Department of State
2201 C Street NW
Washington, DC 20520

Dear Secretary Blinken:

We write to recommend that the Biden administration develop a comprehensive strategy to counter the growing trend of extraterritorial persecution, intimidation, and censorship by authoritarian regimes. Human rights abuses committed by such regimes within their sovereign borders have long been a matter of concern to the United States. But repressive governments have grown increasingly brazen in employing tools of repression beyond their borders, reaching into sovereign—often democratic—countries to silence criticism and infringe on the rights of those countries' citizens and protected residents. This practice threatens not only the human rights of those persecuted, but the sovereignty and security of the United States and our allies.

Key examples of this trend include:

- **Russia:** Repeated incidents by agents of Russian President Putin to silence dissident and critical voices outside of Russia. For example, Putin's agents have traveled outside Russia to poison critics or those viewed as a threat to the regime, including presidential candidate Viktor Yushchenko in Ukraine, and both former spy and Putin critic Alexander Litvinenko and former spy Sergei Skripal and his daughter in the United Kingdom.ⁱ
- **China:** Agents acting on behalf of the Chinese government have reportedly targeted U.S., Canada, and Europe-based ethnic Uyghurs and other Chinese-origin citizens for harassment, seeking to silence their criticism in exchange for better treatment of family in China.ⁱⁱ For example, a journalist in Canada stopped writing critically of the Chinese government since her parents in China were harassed by the police.ⁱⁱⁱ The Chinese government also seeks to muzzle the speech of Americans through pressure on their employers. For example, spokespersons and government-affiliated media pressed the NBA to penalize Houston Rockets manager Daryl Morey when he spoke out in a personal capacity against the crackdown in Hong Kong.^{iv}
- **Saudi Arabia:** In 2018, Saudi officials in Washington reportedly lured U.S. resident and journalist Jamal Khashoggi to Turkey,^v where he was assassinated by Saudi agents at the reported direction of Crown Prince Mohamed bin Salman. While in the United States, Mr. Khashoggi had also been harassed and threatened online^{vi} by agents of the Saudi government. In the same timeframe, suits allege that the crown prince orchestrated a parallel conspiracy to target and kill former Saudi intelligence official Saad Aljabri inside Canada, and when that failed, arrested his children.^{vii} Further reporting indicates that Saudi officials have harassed and attempted to kidnap other dissidents and critics in the U.S., Canada, and Norway.^{viii}
- **Egypt:** Egyptian officials continue to detain and jail numerous people on arbitrary charges in an attempt to intimidate and silence family members in the United States and Europe.^{ix} For example,

after releasing American school teacher Reem Desouky—held for over a year on flimsy charges related to social media posts—security officials continue to hold her brother in a blatant effort to silence Reem’s speech in the U.S.^x Security agents also jailed family members and disappeared the U.S. permanent resident father of American activist Mohamed Soltan in an effort to silence his criticism of Egyptian government policies.^{xi} Egyptian state media also unleashed defamatory reports against Mr. Soltan and U.S. activists in response to advocacy activities in the U.S.^{xii}

- **Turkey:** Reporting by Freedom House indicates that Turkish agents have targeted over 50 critics abroad for rendition back to Turkey—including state-sponsored abductions from Afghanistan, Albania, Azerbaijan, Afghanistan, Cambodia, Gabon, Kosovo, Kazakhstan, Lebanon and Pakistan.^{xiii} For example, in 2018, six Turkish men were abducted by Turkish agents from inside Kosovo and brought to Turkey, an operation praised by President Erdogan.^{xiv}

Rather than responding to individual cases in an ad hoc way, we urge you to announce a proactive, consistent policy toward extraterritorial repression, and to enlist U.S. allies to stand together against it. Here are some specific steps we encourage you to consider:

1. **Activate and use as leverage existing U.S. law (part of the Arms Export Control Act) that prohibits security assistance to countries engaged in “intimidation or harassment directed against individuals in the United States.”**^{xv} We suggest that the State Department, in coordination with the Justice Department and the Director of National Intelligence, submit a regular report to Congress pursuant to this law naming foreign governments that engage in such acts. Inclusion in the report should result in suspension of U.S. security assistance.
2. **Initiate discussions with allies on a mutual assistance and response framework** based on the principle that extraterritorial repression aimed at individuals or entities in any one democratic country should be treated as an attack on all. A commitment to come to the defense of any country experiencing this phenomenon, through joint diplomatic statements, demarches, expulsions, or sanctions, could be a key deliverable of the planned Summit for Democracy.
3. **Develop standards for corporations facing pressure to censor their employees.** China is only the most blatant example of foreign governments seeking to use commercial power to constrain or limit protected speech and freedoms across borders. We encourage the State Department to develop voluntary guidance that could assist U.S. and multinational companies facing such pressure from authoritarian governments, and to work with Congress to consider legal prohibitions on compliance with foreign government orders to censor U.S.-based employees. Such standards could be promoted internationally in cooperation with like-minded allies.^{xvi}
4. **Use all available diplomatic tools to shine a spotlight on and deter extraterritorial repression.** The State Department should notify foreign diplomatic missions in the United States that any involvement by their diplomats or staff in the intimidation or harassment of persons in the United States could result in the expulsion of those personnel, in addition to other bilateral repercussions. The Department should also work with civil society partners to build out the powerful new section of its annual Human Rights Reports on *Politically Motivated Reprisal Against Individuals Located Outside the Country*, including by highlighting attempted censorship of individual or corporate speech in third countries.

The trend of authoritarian leaders reaching beyond their borders to punish or harass their critics will continue to grow absent assertive pushback by the United States and our allies. It is time to restore the norm that such conduct is out of bounds, and that the democratic world stands in solidarity against it.

Respectfully,



Tom Malinowski
Member of Congress



Sheldon Whitehouse
United States Senator



Abigail D. Spanberger
Member of Congress



Edward J. Markey
United States Senator



William R. Keating
Member of Congress

ⁱ In recent years, the Russian government has been linked to a string of assassinations and assassination attempts of individuals perceived as dissidents or adversaries of Russian government interests outside of Russia:

1. Viktor Yushchenko, 2004, Kiev: Ukrainian opposition presidential candidate, disfigured by dioxin poisoning
2. Alexander Litvinenko, 2006, London: Russian spy turned Putin critic poisoned by Russian agents using radioactive isotope polonium
3. Boris Berezovsky, 2013, London: Suspicious death by hanging of a key Putin opponent
4. Sergei Skripal and his daughter, 2018, Salisbury: Attempted poisoning using Novichok nerve agent of former Russian spy and UK resident
5. Zelimkhan Khangoshvili, 2019, Berlin: Former Chechen commander and target of Russian government gunned down

ⁱⁱ The Guardian: ["Think of your family": China threatens European citizens over Xinjiang protests](#)

ⁱⁱⁱ HRW: [Why Some Chinese Immigrants Living in Canada Live in Silent Fear](#)

^{iv} Washington Post: [Adam Silver says China asked NBA to fire Rockets' Daryl Morey](#)

^v UN OHCHR: [Khashoggi killing: UN human rights expert says Saudi Arabia is responsible for "premeditated execution"](#)

^{vi} Washington Post: [Records shed light on online harassment of Jamal Khashoggi before his killing](#)

^{vii} Washington Post: [Former Saudi intelligence officer accuses crown prince of ordering his assassination in Canada](#)

^{viii} AP: [Arab activist in Norway details his Saudi work before threat](#)

^{ix} Washington Post: [Egypt tries to silence its critics in the United States by jailing their relatives](#)

^x Washington Post: [After U.S. pressure, Pennsylvania teacher is released from Egyptian prison and returns home](#)

^{xi} HRW: [Egypt: Rights Defender's Relatives Arrested](#)

^{xii} Frontline Defenders: [Reprisal against human rights defender Mohamed Soltan for human rights advocacy](#)

^{xiii} Financial Times: Erdogan's great game: Turkish intrigue in the Balkans

^{xiv} Washington Post: Turkey just snatched six of its citizens from another country

^{xv} 22 U.S. Code § 2756 Foreign intimidation and harassment of individuals in United States

No letters of offer may be issued, no credits or guarantees may be extended, and no export licenses may be issued under this chapter with respect to any country determined by the President to be engaged in a consistent pattern of acts of intimidation or harassment directed against individuals in the United States. The President shall report any such determination promptly to the Speaker of the House of Representatives, the Committee on Foreign Affairs of the House of Representatives, and to the chairman of the Committee on Foreign Relations of the Senate.

^{xvi} Congress has already proposed legal remedies, prohibiting U.S. employers from retaliating against employees for protected speech on human rights issues. See Rep. Clarke's Preventing Foreign CENSORSHIP in America Act